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I hereby certify that the *attached* correspondence comprising:
1. SUPPLEMENTAL DECLARATION UNDER 37 CFR §1.131... by Eddie E. Scott... (6 pages) w/ Attachments
(8 pages), 2. Return Postcard
is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" addressed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 8, 2004

Kathy E. Raymond
Kathy E. Raymond

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------|--|--------------|----------------|
| Applicant : | Raymond P. Mariella, Jr. | Docket No. : | IL-10560 |
| Serial No. : | 09/662,392 | Art Unit : | 1744 |
| Filed : | 09/14/00 | Examiner : | Sean E. Conley |
| For : | DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS | | |

SUPPLEMENTAL DECLARATION UNDER 37 CFR §1.131
(Supplemental Declaration Covering the 1 Month and 6 Day Period from July 29,
1999 to September 3, 1999) Supplemental Declaration by Eddie E. Scott of Prior
Invention by Raymond P. Mariella, Jr. to Overcome Cited Patent

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

- (1) I, Eddie E. Scott, hereby declare that:
- (2) I am the Declarant who on February 27, 2002 signed the Declaration
filed on March 13, 2002 in the subject application that was accepted as
establishing Raymond P. Mariella, Jr. made The Invention in this country prior to
September 3, 1999;

(3) The purpose of this Supplemental Declaration is to supplement my previous Declaration and to establish that that the inventor in the subject application, Raymond P. Mariella, Jr., made the invention described and claimed in the subject patent application ("The Invention") in this country prior to the July 29, 1999 filing date of the provisional patent application upon which the cited Davies U. S. Patent No. 6,375,687 is based, said date of July 29, 1999 being only 1 Month and 6 Days prior to the September 3, 1999 date in my previous Declaration;

(4) My Declaration signed February 27, 2002 and filed in the subject application on March 13, 2002 and all of its Exhibits are incorporated in this Supplemental Declaration by this reference;

(5) In an Office Action mailed December 17, 2003 in the subject application, claims 1, 7, and 9-11 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by the cited Davies Reference U. S. Patent No. 6,375,697; claims 2, 3, 5, and 6, 8, 12, 13, and 15 were rejected under 35 U.S.C. 103(a) as allegedly being allegedly unpatentable over the cited Davies Reference in view of the Groger et al Reference (U. S. Patent No. 5,766,956); and claims 4 and 14 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the cited Davies Reference in view of the Anbar Reference (U. S. Patent No. 4,022,876);

(6) The Cited Davies U. S. Patent No. 6,375,697 issued on April 23, 2002 and is based upon a provisional patent application that was filed on July 29, 1999, the July 29, 1999 filing date of the provisional patent application is only 1 Month and 6 Days prior to the September 3, 1999 date in my previous Declaration;

(7) Raymond P. Mariella, Jr. completed a "RECORD OF INVENTION" describing The Invention in this country prior to July 29, 1999, a photostatic copy

of which is attached hereto as Attachment SA, the dates on the RECORD OF INVENTION have been blacked out; however, the dates are prior to July 29, 1999, in particular:

the blocked out date at the top of page 1 in the area "RECEIVED - LLNL PATENT GROUP" is prior to July 29, 1999;

the blocked out dates on page 2 in the section "V. Documents Describing the Invention" are prior to July 29, 1999;

the blocked out date on page 2 in the section "VII. Background" is prior to July 29, 1999;

the blocked out dates on page 4 in the section "X. Documents Describing the Invention" are prior to July 29, 1999;

the blocked out date on page 4 in the section "VII. Conception of the Invention" is prior to July 29, 1999;

the blocked out date on page 5 in the section "XIV." is prior to July 29, 1999; and

the blocked out date on page 5 in the section "XV. Classification Review" is prior to July 29, 1999;

(8) Raymond P. Mariella, Jr. continuously worked on testing, developing, and patenting The Invention during the 1 Month and 6 Day period from July 29, 1999 to September 3, 1999;

(9) The Industrial Partnership and Commercialization Office (IPAC) of the Lawrence Livermore National Laboratory held monthly Invention Review Meetings and The Invention was reviewed at the Invention Review Meetings; IPAC continuously reviews inventions and prioritizes inventions for patent application filing; The Invention was reviewed and prioritized by IPAC; a photostatic copy of a database entry showing that The Invention was reviewed by IPAC is attached as Attachment SB, the dates on the photostatic copy have

been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to July 29, 1999 are dates prior to July 29, 1999, and dates showing that The Invention was continuously worked on during 1 Month and 6 Day period are dates during 1 Month and 6 Day period;

(10) During The Time Period the Office of Laboratory Counsel (OLC) of the Lawrence Livermore National Laboratory, held monthly Invention Review Meetings and The Invention was reviewed at the Invention Review Meetings; OLC prepares patent applications for filing according to a priority list; U.S. Patent Application Serial No. 60/662,392, entitled "DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS" was prepared by OLC covering The Invention according to the priority list; a photostatic copy of a database entry showing that The Invention was reviewed and a patent application filed by OLC is attached as Attachment SC, the dates on the photostatic copy have been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to July 29, 1999 are dates prior to July 29, 1999, and dates showing that The Invention was continuously worked on during 1 Month and 6 Day period are dates during 1 Month and 6 Day period;

(11) I have obtained copies of documents maintained in the ordinary course of business of the University of California, the Lawrence Livermore National Laboratory, and the United States Department of Energy (DOE) showing that the inventor Raymond P. Mariella, Jr. diligently pursued The Invention during 1 Month and 6 Day period; the documents are internal documents, the documents were not published, and the documents were not released outside of the control group; photostatic copies of the documents are attached hereto as Attachments SD through SV; the dates on the Attachments have been blacked out; however, dates showing that Raymond P. Mariella, Jr. made The Invention prior to July 29, 1999 are dates prior to July 29, 1999, and

dates showing that The Invention was continuously worked on during 1 Month and 6 Day period are dates during 1 Month and 6 Day period;

(12) I am a citizen of the United States and a resident of Danville, California;

(13) My education includes: Bachelor of Science Degree, University of Wyoming; Master of Science Degree, University of Texas at Dallas; Juris Doctor Degree, University of Wyoming; Patent Office Academy, Basic and Advanced, United States Patent and Trademark Office, Washington, D. C.;

(14) I am an active member of the State Bars of California, Texas, and Wyoming and I am registered to practice before the United States Patent and Trademark Office;


(15) I am employed by the University of California, at the Lawrence Livermore National Laboratory, Livermore, California, as Assistant Laboratory Counsel having held that position from June 1, 2000 to the present and I am empowered to act on behalf of The Regents of the University of California, the owner of the subject application;

(16) I was employed by the University of California, at the Lawrence Livermore National Laboratory, Livermore, California, as Business Development Specialist, Industrial Partnerships and Commercialization Office (IPAC) from May 1, 1999 until May 31, 2000;

(17) I am the attorney representing the inventor Raymond P. Mariella, Jr. in the subject application and I am the patent attorney who prepared and filed the subject application, U.S. Patent Application Serial No. 60/662,392, entitled "DETECTION AND TREATMENT OF CHEMICAL AND BIOLOGICAL AGENTS" describing and claiming an invention by Raymond P. Mariella, Jr.;

(18) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


(Signature)

Declarant: Eddie E. Scott

Dated: March 2, 2004